

REMARKS

Claims 1-38 and 43 are pending in this application.

Applicant has canceled claims 39-42 and 44. The cancellation of these claims does not introduce any new matter.

Applicant respectfully requests reconsideration of the rejection of claims 1, 2, 4, 9-11, 13, 14, 15, 17, and 22-28 under 35 U.S.C. § 102(e) as being anticipated by *Ogawa et al.* (U.S. Patent No. US 6,603,506 B2). As will be explained below, the *Ogawa et al.* reference does not disclose each and every feature specified in independent claims 1, 13, 14, and 25-28, as presented herein.

The image-sensing and printing system of *Ogawa et al.* generates a printer-control code suitable for a printer connected to the system, and transmits this printer-control code to the printer. This means that the *Ogawa et al.* system generates and transmits a printer-control code exclusively for a printer connected thereto. As such, the *Ogawa et al.* system needs a digital still camera (DSC) to generate a printer-control code each time a print job is executed.

On the other hand, in the case of the claimed subject matter, a printer selects output control data and this output control data includes information appropriate for a plurality of output devices. Thus, multiple pieces of output control information, which are appropriate for respective output devices, are supplied to the printer. With this configuration, the claimed subject matter does not need a digital still camera (DSC) for each printing job if the necessary image data is available.

Further, while a printer driver (print data generation module) is retained in a printer with regard to the claimed subject matter, the *Ogawa et al.* system has a printer driver in a DSC. Consequently, if image data (as referred to in the claimed subject matter) were to be handled in the *Ogawa et al.* system, print data would not be generated.

Applicant respectfully submits that the foregoing differences distinguish the subject matter defined in independent claims 1, 13, 14, and 25-28 from the system disclosed by *Ogawa et al.* Specifically, regarding claims 1 and 25, the *Ogawa et al.* reference does not disclose at least “an output control data acquisition mechanism” as specified in these claims. Regarding claims 13 and 26, the *Ogawa et al.* reference does not disclose at least the claimed “means for acquiring output control data” specified in these claims. Regarding claims 14 and 27, the *Ogawa et al.* reference does not disclose at least the claimed step of “acquiring output control data” specified in these claims. Regarding claim 28, the *Ogawa et al.* reference does not disclose at least the claimed function involving the “acquisition of output control data” specified in this claim.

Accordingly, for at least the foregoing reasons, independent claims 1, 13, 14, and 25-28 are patentable under 35 U.S.C. § 102(e) over *Ogawa et al.* Claims 2, 4, and 9-11, each of which ultimately depends from claim 1, and claims 15, 17 and 22-24, each of which ultimately depends from claim 14, are likewise patentable under 35 U.S.C. § 102(e) over *Ogawa et al.* for at least the same reasons set forth regarding the applicable independent claim.

Applicant respectfully requests reconsideration of the rejection of claims 3, 5, 6, 12, 16, 18, 19, and 29-38 under 35 U.S.C. § 103(a) as being unpatentable over *Ogawa et al.* in view of *Otake* (U.S. Publication No. US 2001/0024292 A1). The deficiencies of the *Ogawa et al.* reference relative to independent claim 1, from which claims 3, 5, and 6 ultimately depend, and independent claim 14, from which claims 16, 18, and 19 ultimately depend, are set forth above in connection with the anticipation rejection of claims 1 and 14. The *Otake* reference does not cure the above-discussed deficiencies of the *Ogawa et al.* reference relative to claims 1 and 14. Accordingly, claims 3, 5, 6, 16, 18, and 19 are patentable under

35 U.S.C. § 103(a) over the combination of *Ogawa et al.* in view of *Otake* for at least the same reasons set forth above regarding claims 1 and 14.

Regarding independent claims 12, 29, 33, 34, and 38, Applicant submits that the deficiencies of the *Ogawa et al.* reference set forth above in connection with the anticipation rejection of claims 1, 2, 4, 9-11, 13, 14, 15, 17, and 22-28 also apply to claims 12, 29, 33, 34, and 38. As noted above, the *Otake* reference does not cure the above-discussed deficiencies of *Ogawa et al.* relative to the claimed subject matter. Accordingly, claims 12, 29, 33, 34, and 38 are patentable under 35 U.S.C. § 103(a) over the combination of *Ogawa et al.* in view of *Otake* for at least the same reasons set forth above in connection with the anticipation rejection.

Applicant respectfully requests reconsideration of the rejection of claims 7, 8, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Ogawa et al.* Claims 7 and 8, each of which ultimately depends from claim 1, and claims 20 and 21, each of which ultimately depends from claim 14, are patentable under 35 U.S.C. § 103(a) over *Ogawa et al.* for at least the same reasons set forth above in connection with the anticipation rejection of claims 1 and 14. In this regard, Applicant notes that the *Ogawa et al.* reference would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 1 and 14.

In light of the cancellation of claims 39-42 and 44 herein, Applicant respectfully submits that the rejection of claims 39-42 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Inoue et al.* (U.S. Patent No. 6,273,535 B1) in view of *Otake* is moot.

Applicant respectfully requests reconsideration of the rejection of claim 43 under 35 U.S.C. § 103(a) as being unpatentable over *Ogawa et al.* in view of *Inoue et al.* As will be explained below, the combination of *Ogawa et al.* in view of *Inoue et al.* would not have suggested to one having ordinary skill in the art the subject matter defined in claim 43.

Claim 43 depends from independent claim 1. The deficiencies of the *Ogawa et al.* reference relative to claim 1 are discussed above in connection with the anticipation rejection of claim 1. In addition, as acknowledged by the Examiner in the Final Office Action, the *Ogawa et al.* reference “does not explicitly disclose the printer-control information including image processing control information.” Final Office Action at page 13.

The *Inoue et al.* reference discloses a printer that reads image information and image additional information from a DSC and selects the printing control information stored in the printer in accordance with the read information. The *Inoue et al.* reference also discloses, by way of example, that the printing control information may be stored in the DSC. The *Inoue et al.* reference, however, does not disclose transmitting the printing control information itself, together with image data, to the printer. If this feature were incorporated in the *Inoue et al.* device, then it would not be necessary to store printing control information in the printer. When the printing control information is stored in the DSC, the DSC generates only a printer-control code using the printer control information, and the *Inoue et al.* reference does not disclose the concept of transmitting printing control information to a printer. As such, the *Inoue et al.* reference would have guided one having ordinary skill in the art to modify the *Ogawa et al.* system in the manner proposed by the Examiner.

Accordingly, for at least the foregoing reasons, claim 43 is patentable under 35 U.S.C. § 103(a) over the combination of *Ogawa et al.* in view of *Inoue et al.*

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-38 and 43, as presented herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in

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connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP003).

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'P. B. Martine', with a long horizontal stroke extending to the right.

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